

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS W. ROSELL,)	
)	CASE NO. 3:20-cv-05836-RAJ
Plaintiff,)	
)	PROPOSED ORDER
vs.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant)	
)	

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgement on June 8, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review

1 of the stipulation and the record, the Court determines that Plaintiff is the prevailing
2 party, the government's position was not substantially justified, and that the itemization
3 of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are
4 met.

5 Having thoroughly considered the parties' briefing and the relevant record, the
6 Court hereby GRANTS the motion and awards Plaintiff \$6,967.92 in attorney's fees,
7 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560
8 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney:
9 David Oliver at David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA
10 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver at
11 David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to
12 the Government through the Federal Treasury Offset program.
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14 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is
15 GRANTED.

16 DATED this the 21st day of September, 2021.

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19 The Honorable Richard A. Jones
20 United States District Judge
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